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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,104	06/21/2001	Shiro Iwasaki	2001_0777A	3903

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EXAMINER

SHIBRU, HELEN

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/885,104	Applicant(s) IWASAKI ET AL.	
	Examiner HELEN SHIBRU	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-20 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 11-13, and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Miki (US Pat. No. 5,107,481).

Regarding claim 1, Miki discloses a digital recording apparatus that obtains a digital stream including a plurality of frames, while recording the digital stream on a digital recording medium, the digital recording apparatus comprising:

an obtaining unit operable to obtain, during a recording an instruction to perform a predetermined procedure in which a recording area for the recording has to be changed from a first recording area to a second recording area which is not necessarily continuous to the first recording area (see figures 5-7, 16, 18, and col. 5 lines 37-51); and

an execution control unit operable to, in case that the obtaining unit obtains the instruction and when the number of frames which are recorded in the first recording area is a predetermined procedure (see recording and managing system of writable type optical disk in figures 1, 3 and 5), and

(1) execute the predetermined procedure (see col. 5 lines 25-67), and

(2) allow the recording area to be changed from the first recording area to the second recording area after the execution of the procedure (see col. 3 lines 44-63).

Regarding claim 2, Miki discloses an execution permitting unit operable to, when the obtaining unit obtains the instruction (figures 5-8 and col. 5 lines 25-34),

(1) immediately permit the execution of the predetermined procedure, in case that the number of the frames which are recorded in the first recording area is the predetermined number or more (see figures 5-8 and col. 6 lines 9-36), and

(2) wait for the number to increase to the predetermined number or more and then permitting the execution of the predetermined procedure, in case that the number is less than the predetermined number (see col.6 line 60-col.7 line 6),

an execution unit operable to execute the predetermined procedure when the execution permitting unit permits the execution (see col. 5 lines 25-67 and col. 6 and 7, and figures 5-8), and

a recording area changing unit operable to allow recording on the first recording area to stop before the execution of the predetermined procedure and to allow recording on the second recording area to start after the execution of the procedure (see col. 6 and figures 5-8).

Regarding claim 3, Miki discloses wherein the digital recording apparatus is operable to record the digital stream as one object or to partition the digital stream into a plurality of objects and record the partitioned objects (see col. 2 lines 9-21, col. 5 lines 53-63, and col. 6 line 60-col. 7 line 36),

wherein each of the objects is recorded on a continuous recording area on the digital recording medium, and the continuous recording area is not necessarily continuous with the other recording areas (see figure 3 and 16),

wherein the obtaining unit is operable to obtain an instruction for a predetermined procedure in which an object has to be partitioned concurrently with the execution of the procedure (see col. 5 lines 35-63), and

wherein the recording area changing unit is operable to allow a first object being recorded in the first recording area to be completed before the execution of the predetermined procedure and to allow a second object to be recorded on the second recording area after the execution of the predetermined procedure (see col. 6 and figures 5-8).

Regarding claim 11, the limitations of claim 11 can be found in claim 1 above. It is Noted that claim 11 includes a computer readable medium. Miki discloses a memory medium that can be read by a computer (see col. 1 lines 1-21 and col. 4 lines 51-62). Therefore claim 11 is analyzed and rejected for the same reason as discussed in claim 1 above.

Claims 12-13 are rejected for the same reason as discussed in claims 2-3 above.

Claim 16 is rejected for the same reason as discussed in claim 1 above.

Claims 17-18 are rejected for the same reason as discussed in claims 2-3 above.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 4-7, 14-15 and 19-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 4, 14, and 19 recited "...the instruction includes an instruction that a video resolution of a frame is changed from a first video resolution to a second video resolution during recording..."

In the specification page 6 paragraph 0092-0094 and figure 3, the resolution decision units gives an instruction for a resolution change to the receiving units if resolution should be changed. Then the video encode unit encodes the digital video signal outputted from the resolution change unit. Hence the resolution is already changed before the video stream is encoded, i.e. recording is occurred after the change of resolution. In other words change of resolution is not performed during recording.

Allowable Subject Matter

5. Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Montie et al. (US PG Pub 2002/0008929 A1).

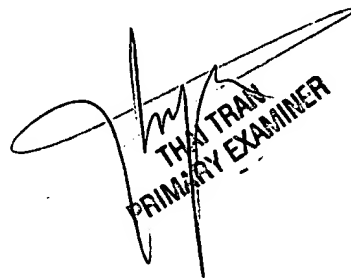
Suzuki, Shinji (EP 0 932 159 A2).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru
April 08, 2006



THAI TRAN
PRIMARY EXAMINER